FEDERAL COMMUNICATIONS COMMISSION Washington, D. C. 20554

Claudette

OFFICE OF
MANAGING DIRECTOR

NOV 7 2002

Ellen Mandell Edmundson Smithwick & Belendiuk, PC **5028** Wisconsin Avenue, N.W. Washington, D.C. 20016

RE: Request for Waiver of 2002
Regulatory Fees
Fee Control No. 00000RROG-02-091

Dear Ms. Edmundson:

This is in response to the request for waiver of Fiscal Year (FY) 2002 regulatory fees, filed on behalf of Runnels Broadcasting System, LLC (Runnels). In your petition, you state that on July 16,2002, Runnels filed a voluntary petition for reorganization pursuant to the provisions of Chapter 11 of the U.S. Bankruptcy Code in the U.S. Bankruptcy Court - District of New Mexico.

The Commission will grant waivers of its regulatory fees on a sufficient showing of financial hardship. Evidence of bankruptcy or receivership is sufficient to establish financial hardship. See Implementation of Section 9 of the Communication Act, 10 FCC Rcd 12759, 12761-62 (1995) (waivers granted for licensees whose stations are bankrupt, undergoing Chapter 11 reorganization, or in receivership). You have submitted information showing that Runnels has been the subject of Chapter 11 bankruptcy proceedings since July16, 2002. Therefore, your request for waiver of the FY 2002 regulatory fees for Runnels is granted.

If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

Mark A. Reger

Chief Financial Officer

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RECEIVED

Before the Federal Communications Commission Washington, D.C. 20554

SEP 23 2002

FEBERAL COMMUNICATIONS COMMISSION OFFICE OF THE SECRETARY

In the Matter of)			
RUNNELS BROADCASTING SYSTEM, LLC Debtor in possession	,)))			
Request for Waiver of FY 2002 Regulatory Fee KPSA(AM), Roswell, NM (Facility ID 14926) KPSA-FM, Carlsbad, NM (Facility ID 77842) KRSY(AM), Alamogordo, NM (Facility ID 14029 KRSY-FM, LaLuz, NM (Facility ID 14028) KNMZ(FM), Alamogordo, NM (Facility ID 14030))	CROUP-IN PROC	in sep 25 f	TO STATE
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To: The Managing Director

REQUEST FOR WAIVER OF FY 2002 REGULATORY FEE

Runnels Broadcasting System, LLC, debtor in possession ("the DIP"), licensee of the above-captioned radio broadcasting stations and associated auxiliary facilities, by its attorney and pursuant to Section 1.1 166 of the Commission's rules, hereby respectfully requests the Office of the Managing Director ("OMD") to waive the DIP's FY 2002 annual regulatory fee obligation, based on financial hardship.

In support hereof, the following is respectfully shown:

The **DIP** is in Chapter 11 bankruptcy before the U.S. Bankruptcy Court –District of New Mexico (Case No. 1102-14217SR). Exhibit 1 hereto is a copy of the bankruptcy petition.

Section 1.1166 of the Commission's rules provides for regulatory fee waivers where in the public interest and for good cause shown. Under current Commission

policy, regulatory fee waivers will be granted upon a sufficient showing of financial hardship.' The Commission has stated that evidence of bankruptcy or receivership is sufficient to establish financial hardship.²

It is respectfully submitted that, in accordance with the foregoing policy, the bankruptcy petition attached hereto demonstrates the DIP's financial hardship and that there is good cause to grant the instant waiver request. In addition, grant of the instant waiver request will serve the public interest by preserving assets of the DIP that will accrue to innocent creditors?

WHEREFORE, the premises considered, the **DIP** respectfully requests grant of the instant request for and waiver of its FY2002 regulatory fee obligation.

Respectfully submitted,

RUNNELS BROADCASTING SYSTEM, LLC, Debtor in possession

Ellen Mandell Edmundson

Its Attorney

Smithwick & Belendiuk, PC 5028 Wisconsin Avenue, N.W. Washington, D.C. 20016 (202) 363-4050

September 23,2002

¹ Memorandum Opinion and Order, "Implementation of Section 9 of the Communications Act," 10 FCC Rcd 12759 at para. **14** (1995) ("MO&O"). ² Id.

³ *Mobilemedia Corporation*, **14** FCC Rcd 8017 (1999). Although the *Mobilemedia* licensee sought waiver of application filing *fees* rather than annual regulatory fees, the public policy to be served – preservation of assets that will accrue to innocent creditors – is the same.

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